

## **REGULATION 2.03 Permit Requirements Non-Title V Construction and Operating Permits and Demolition/Renovation Notices and Permit Requirements**

### **Air Pollution Control District of Jefferson County Jefferson County, Kentucky**

**Relates To:** KRS Chapter 77 Air Pollution Control

**Pursuant To:** KRS Chapter 77 Air Pollution Control

**Necessity And Function:** KRS 77.180 provides that the Air Pollution Control Board may make and enforce all needful orders, rules, and regulations necessary or proper to accomplish the purposes of KRS Chapter 77. This regulation establishes the non-Title V permit requirements of the District.

### **SECTION 1 Permits to Construct or Operate and Demolition/Renovation Notices and Permit Requirements**

- 1.1 No person shall construct, reconstruct or modify an affected facility or related air pollution control equipment unless a permit to construct has been issued by the District, except as provided in the exemptions under Regulations 2.02 and 2.08.
- 1.2 No person shall operate any affected facility which is in compliance with all emission limiting regulations unless a permit to operate the affected facility and permits to operate any related air pollution control equipment have been issued by the District and are currently in effect, except as provided in the exemptions under Regulation 2.02.
- 1.3 A written notice of demolition of a facility, as the term “facility” is defined in Regulation 5.04, must be submitted to the District prior to the commencement of the demolition, even if no asbestos is present.
- 1.4 A written notice of renovation of a facility, as the term “facility” is defined in Regulation 5.04, must be submitted to the District prior to commencement of the renovation, if material containing more than 1% asbestos by weight is present in the facility or on any facility component.
- 1.5 A permit issued by the District is required for any demolition or renovation project that disturbs material containing more than 1% asbestos by weight.

### **SECTION 2 Non-Title V Permit Application for Construction and Operation**

- 2.1 Applications for permits required under Section 1 shall be made on forms prepared by the District for such purpose and shall contain such information as the District may deem necessary for issuance of the permit.
- 2.2 Applications for permits shall be signed by the corporate president or his authorized agent; by an equivalently responsible officer in the case of an organization other than a corporation; in other cases, by the source owner or operator; or, in the case of a political

subdivision, by the highest elected official of such subdivision. Such signature shall constitute personal affirmation that the statements made in the application are true and complete.

- 2.3 The information submitted in the application shall:
  - 2.3.1 Include an analysis of the characteristics, properties, and quantity of the air contaminants taken under maximum operating conditions, and
  - 2.3.2 Be certified as to the accuracy of the submittal.
- 2.4 Failure to supply information required or deemed necessary by the District to enable it to act upon the permit application shall result in denial of the permit.
- 2.5 An application for a permit may include one or more affected facilities provided that all are contained within a source. A person may apply for an amended permit to include new affected facilities provided that such new facilities are within the same source.

### **SECTION 3 Non-Title V Permit Review**

- 3.1 After receipt of the permit application, the District shall determine if emission standards and ambient standards are met. As provided in Regulations 2.04, 2.05, 2.06, 5.11, 5.12 and 5.14, no permit shall be issued where it can be shown either through diffusion calculations or actual ambient air quality monitoring performed according to methods prescribed by the District, that the affected facility will prevent or interfere with the attainment or maintenance of local, state, or federal air quality standards.
  - 3.1.1 In cases where no emission standards have been prescribed by regulation, the District shall require the use of all available, practical, and reasonable methods to prevent and control air pollution.
- 3.2 In the event any person or persons allege themselves to be adversely affected by a proposed or existing affected facility or other physical conditions, the District may afford such persons a hearing to determine whether a new permit to construct, operate, or demolish or renovate an affected facility should be issued or denied, or an existing permit should be revoked.
- 3.3 In the event any person or persons allege themselves to be adversely affected by the District deciding not to afford a hearing, the person or persons may request the Board to afford a hearing.

### **SECTION 4 Emission Density Provision**

- 4.1 Except as allowed pursuant to section 4.2, the District shall not issue a permit for the construction or modification of an affected facility in an area having a radius of one mile and centered on the affected facility to be constructed or modified when:
  - 4.1.1 The sum of particulate emissions from all sources emitting 25 tpy or more within the area, including the applicant, exceeds or would exceed 4,000 tpy.
  - 4.1.2 The sum of sulfur dioxide emissions from all sources emitting 25 tpy or more within the area, including the applicant, exceeds or would exceed 8,000 tpy.

- 4.2 In those areas within which the densities cited in sections 4.1.1 or 4.1.2 above have been exceeded prior to the adoption of this regulation, the District may issue a permit for the construction of any new affected facility if the applicant can demonstrate through diffusion calculations that the affected facility will not prevent or interfere with the attainment or maintenance of the applicable particulate and sulfur dioxide ambient air quality standards.
- 4.3 In applying this regulation, the District shall give due consideration to the planned reductions of the other sources within the affected area in accordance with section 3.1.

## **SECTION 5 Non-Title V Permit Conditions**

- 5.1 Permits issued shall be subject to the terms and conditions set forth and embodied in the permit as the District may deem necessary to insure compliance with its standards. Such terms and conditions may include maintenance and availability of records relating to operations which may cause or contribute to air pollution including periodic sampling of the affected facilities.
- 5.2 Acceptance of a permit shall denote agreement to the restrictions embodied in the permit and shall be binding upon the holder of the permit or compliance schedule.
- 5.3 Any person who demolishes or renovates an affected facility containing friable asbestos, or any owner or operator who constructs or operates a source or modification not in accordance with the application submitted pursuant to this section or with the terms of any approval to construct or operate, or any owner or operator of a source or modification subject to this section who begins actual construction after the effective date of this regulation without applying for and receiving approval hereunder, shall be subject to appropriate enforcement action as provided under KRS Chapter 77 Air Pollution Control.
- 5.4 Approval to construct shall become invalid if:
  - 5.4.1 Construction is not commenced within 12 months after receipt of approval,
  - 5.4.2 Construction is discontinued for a period of six months or more, or
  - 5.4.3 Construction is not completed within a reasonable time.
- 5.5 The District may extend the time periods upon a satisfactory demonstration that an extension is justified. This provision does not apply to the time period between construction of the approved phases of a phased construction project - each phase must commence construction within 12 months of the projected and approved commencement date.
- 5.6 Approval to construct, reconstruct, modify, or operate any affected facility or to conduct an asbestos demolition or renovation abatement project in an affected facility containing friable asbestos shall not relieve the owner or operator of the responsibility to comply fully with all applicable District regulations and any other requirements under local, state, or federal law.

## **SECTION 6 Relocated Sources**

- 6.1 If a source in Jefferson County is relocated involving a change of address, the owner or operator shall obtain new permits for the source. Any existing affected facilities which are not modified or reconstructed (as defined in Regulation 1.02) will continue to be treated as existing affected facilities except as specified in section 6.2.
- 6.2 If the sum of the potential emissions of the relocated affected facilities at the new location is of sufficient size to qualify as a major source under Regulation 2.04 or 2.05, then all the relocated affected facilities shall be treated as new affected facilities.
- 6.3 Any source which locates in Jefferson County from outside Jefferson County shall be treated as a new source.

## **SECTION 7 Reconstructed Sources**

- 7.1 An existing affected facility, upon reconstruction as defined in Regulation 1.02, becomes a new affected facility regardless of any change in emission rate. If an owner or operator proposes to replace part or all of an existing affected facility, the owner or operator shall notify the District of the proposed replacement before installation or construction begins. The District will determine after receipt of the appropriate information whether the proposed replacement constitutes reconstruction. The District's determination shall be based on:
  - 7.1.1 The fixed capital cost of the replacements in comparison to 50% of the fixed capital cost that would be required to construct a comparable entirely new facility,
  - 7.1.2 The estimated life of the facility after the replacement compared to the life of a comparable and entirely new facility,
  - 7.1.3 The extent to which the components being replaced cause or contribute to the emissions from the facility, and
  - 7.1.4 Any economic or technical limitations on compliance with new source performance standards which are inherent in the proposed replacements.
- 7.2 Regulation 2.04 or 2.05 shall not apply to a reconstructed source unless the reconstruction would also result in a major modification as defined in Regulation 2.04 or 2.05 respectively.

Adopted v1/4-19-72; effective 4-19-72; amended v2/9-1-76, v3/6-13-79, v4/11-16-83, v5/12-17-86, v6/12-15-93, v7/07-20-11.